

Practitioner's Docket No. 21861/09003

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Hubert Carl Burton, Jr.

Application No.: 10/630,425

Filed: 07/30/2003

For: LIGHT SHIELD

Group No.: 2875

Examiner: Thomas M. Sember

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is a small entity. A statement was already filed

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is **mandatory**;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☒ with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (571) 273 - 8300.

Date: 9/6/06

Debra Dunn-Brown  
Signature

Debra Dunn-Brown

(type or print name of person certifying)

\* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

### FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY			
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE		
TOTAL	20	- 20	= 0	x \$ 25.00	= \$	0.00	
INDEP.	6	- 5	= 1	x \$ 100.00	= \$	100.00	
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$ 0.00	= \$	0.00	
				TOTAL ADDIT. FEE	\$	100.00	

Total additional fee for claims required \$100.00

### FEE PAYMENT

5. Attached is Check No. 28780 in the sum of \$100.00.

Charge any additional fees required by this paper or credit any overpayment to Deposit Account No. 50-2548.

A duplicate of this paper is attached.

### FEE DEFICIENCY

6. If an additional extension and/or fee is required, charge Account No. 50-2548.

If an additional fee for claims is required, charge Account No. 50-2548.

Date: 9-4-06

Reg. No.: 56,508  
Tel. No.: 864-250-2292  
Customer No.: 45845



Signature of Practitioner  
Nichole Andrighetti  
Nelson Mullins Riley & Scarborough, LLP  
Meridian, Suite 1700  
1320 Main Street  
Columbia, SC 29201



Applicant's Docket No. 21861/09003

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Hubert Carl Burton, Jr.

Application No.: 10/630,425

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For: LIGHT SHIELD

Group No.: 2875

Examiner: Thomas M. Sember

**Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)**

I hereby certify that the attached correspondence comprising:

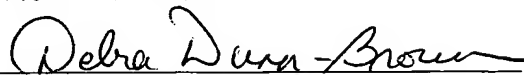
1. Fee Transmittal (1 page)
2. Amendment transmittal w/duplicate (2 pages)
3. Amendments and Response to Office Action (9 pages)
4. Check No. 28780 for \$100.00 (1 page)
5. Return Postcard (1 page)

is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to:

Mail Stop Amendment  
Commissioner for Patents, P.O. Box 1450  
Alexandria, VA 22313-1450

on Sep. 6, 2006.

Debra Dunn-Brown

  
**Signature of person mailing paper**



Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL**  
**For FY 2006**☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 100.00**Complete if Known**

Application Number	10/630,425
Filing Date	July 30, 2003
First Named Inventor	Hubert Carl Burton, Jr.
Examiner Name	Thomas M. Sember
Art Unit	2875
Attorney Docket No.	21861/09003

**METHOD OF PAYMENT** (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☒ Deposit Account Deposit Account Number: 50-2548 Deposit Account Name: Nelson Mullins

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION** (All the fees below are due upon filing or may be subject to a surcharge.)**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
<u>20</u> - 20 or HP = <u>0</u> x <u>50</u> = <u>0</u>		
HP = highest number of total claims paid for, if greater than 20.		
<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
<u>6</u> - 3 or HP = <u>1</u> x <u>100</u> = <u>100</u>		
HP = highest number of independent claims paid for, if greater than 3.		

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
_____ - 100 = _____	_____ / 50 = _____	(round up to a whole number) x _____	= _____	

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): \_\_\_\_\_

**Fees Paid (\$)****SUBMITTED BY**

Signature	<u>Nichole Andrighetti</u>	Registration No. (Attorney/Agent) 56,508	Telephone (864) 250-2292
Name (Print/Type)	Nichole Andrighetti		Date September 6, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IFW  
\$



ATTORNEY DOCKET NO.: 21861/09003

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Hubert Carl Burton, Jr.	)	Group Art Unit: 2875
	)	
Serial No.: 10/630,425	)	Examiner: Thomas M. Sember
	)	
Filed: July 30, 2003	)	Deposit Account: 50-2548
	)	
For: Light Shield	)	

**AMENDMENTS AND RESPONSE TO OFFICE ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is a response to the Office Action dated June 19, 2006, and is intended to be responsive to each and every issue raised in that Action. The response and amendments are being deposited as First Class Mail on the date noted on the attached Certificate of Mailing and are believed be filed within the three-month shortened statutory period set by the Examiner. Please charge any extension fees that may be required to Deposit Account No. 50-2548.

It is respectfully requested that the claims be amended as set forth herein and that the claims be reconsidered in light of the following arguments and found to be allowable.